

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,

Plaintiff,

v.

TREVINO, *et al.*,

Defendants.

Case No. 1:21-cv-00104-DAD-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR RESPONSE TO MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS

(ECF No. 12)

ORDER EXTENDING DEADLINE TO FILE
OBJECTIONS TO FINDINGS AND
RECOMMENDATIONS

THIRTY (30) DAY DEADLINE

Plaintiff Guillermo Trujillo Cruz ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 28, 2021, the Court issued findings and recommendations recommending that Plaintiff's motion for leave to proceed *in forma pauperis* be denied. (ECF No. 5.) Plaintiff was directed to file any objections to the findings and recommendations within fourteen days. (*Id.*)

Plaintiff was granted an extension of time to file his objections on February 16, 2021, in response to his motion stating that he had been transferred without his legal documents pertaining to this case. (ECF Nos. 8, 9.) Plaintiff filed a nearly identical motion on February 17, 2021, which the Court denied as moot, because Plaintiff had just been granted an extension of time to file his objections. (ECF Nos. 10, 11.)

Currently before the Court is Plaintiff's "Motion for Response to Magistrate Judge Findings and Recommendations," filed March 12, 2021. (ECF No. 12.) Plaintiff appears to

1 argue that he submitted his objections on February 21, 2021, and that he never requested an
2 extension of time to file his objections. Rather, Plaintiff was simply asking the Court to place his
3 case on hold until he was finished with his jury trial and returned back to Pelican Bay State Prison
4 so he could have access to his legal documents pertaining to this case. (Id.) Essentially, Plaintiff
5 appears to be asking for an indefinite stay of this action.

6 As Plaintiff has not indicated when his jury trial will be held, how long it will take, and
7 when he expects to be returned to Pelican Bay State Prison, the Court declines to place this action
8 on hold indefinitely until Plaintiff is once again in possession of his legal documents.
9 Furthermore, it appears Plaintiff has already attempted to submit his objections to the findings
10 and recommendations, in spite of not having his legal documents with him.

11 However, the Court notes that no objections have been received from Plaintiff in response
12 to the findings and recommendations. As Plaintiff appears to remain without access to his legal
13 documents, the Court finds it appropriate to grant Plaintiff a further extension of time to file his
14 objections to the findings and recommendations. A thirty-day extension of time is appropriate
15 under the circumstances. If Plaintiff is still unable to file his objections before that deadline, he
16 should file a motion for an extension of that deadline.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff's Motion for Response to Magistrate Judge Findings and Recommendations,
19 (ECF No. 12), is DENIED; and
- 20 2. Plaintiff shall file his objections to the January 28, 2021 findings and recommendations
21 within **thirty (30) days** from the date of service of this order.

22
23 IT IS SO ORDERED.

24 Dated: March 15, 2021

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
27
28